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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,374	01/14/2002	Taka Migimatsu	017991-000211US	7420
30968 7590 01/26/2007 ZYTEK COMMUNICATIONS CORPORATION ONE MARKET STREET, SPEAR TOWER SUITE 3600 SAN FRANCISCO, CA 94105			EXAMINER JAIN, RAJ K	
			ART UNIT 2616	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/047,374	Applicant(s) MIGIMATSU, TAKA	
	Examiner Raj K. Jain	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 31-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 31-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 31-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Mordowitz et al (US006011794A).

Regarding claims 1, 4, and 34, Mordowitz discloses a system (Fig. 1) for transmitting 16, 24 and receiving 16, 24 voice messages from a caller over a network (see Fig. 1, which illustrates a caller (say 16 in NY) to another caller or receiver 24 (say in London) which transmit and receive voice messages via the internet 14, see col 3 lines 1-10.), said system comprising:

a first access device 10 (Fig.1), coupled to a network 14 and to a first communication medium (line between 10 and 16), (Fig. 1, illustrates access devices 10, 20 at either ends of the network system coupled via the internet 14 and both access devices connected to analog phones 16, 24 respectively via the phone lines.);

wherein said first access device 10 (fig. 1) comprising a voice encoding device 34 (Fig. 2) configured to receive a first voice signal from a first voice device 16 and generate digital message (see Figs. 1 and 2, access devices 10, 20 have a codec 34 for

converting voice into digital data and vice versa, see col 2 lines 36-41, col 3 lines 32-35.); and

a transmission device 40 (Fig. 2) for transmission of said digital message through said network 14 (see Fig. 2, the access devices 10, 20 include transmission and receiving device 40 for transmission of digital data converted by the codec 34 to the network 14, see col 3 lines 33-49, transmission of digital message is performed after conversion by the codec 34.).

Further with respect to claim 34, Mordowitz discloses a storage device 32, 33 (Fig. 2) for storing digital data and retrieving device 30 for retrieving and delivery of digital data to voice devices 16 and 24 as appropriate (see col 3 lines 25-33, 60-64, col 6 lines 19-24.)

Regarding claims 2, 35, and 38, Mordowitz discloses the network as the Internet (see Fig. 1, ISP 11 connected to internet via line 14, see col 1 line 54 – col 2 line 3.).

Regarding claims 5, 31, and 36, Mordowitz discloses said first voice device 16 is a telephone and said first telecommunication medium is a telephone line (see Fig. 1, voice devices 16, 24 connected with telephone lines to access devices 10, 20 (see col 3 lines 1-18.).

Regarding claim 32, Mordowitz discloses a second access device 20 (Fig. 1), said second access device being coupled to network 14 and to a second telecommunication medium (line between 20 and 24), wherein said second access device 20 includes a receiving device 40 (Fig. 2) for receiving digital data from said

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network 14, (see Figs. 1 and 2, a second access device (say 20) is coupled to the network 14 which has telephone line between telephone 24 and 20. The access device 20 includes a receiving device 40 for receiving incoming digital data and a storage device 32, 33 for storing of digital data, see col 3 lines 1-49, 60-64, col 6 lines 19-24.). The voice decoding device 20 generates the second voice signal after receiving device 11 receives the digital message.

Regarding claim 33, Mordowitz discloses second access device 20 (Fig. 1) The access device 20 includes a receiving device 40 for receiving incoming digital data and a storage device 32, 33 for storing of digital data, see col 3 lines 1-49, 60-64, col 6 lines 19-24.).

Regarding claim 37, Mordowitz discloses a second access device 20 (fig. 1), said second access device being coupled to network 14 and to a second telecommunication medium (line between 20 and 24), wherein said second access device 20 includes a voice conversion device 34 (Fig. 2) for converting a voice signal received from a second voice device 24 into digital data; and wherein said second access 20 device includes a transmission device 40 for transmission of said digital data through said network (see Figs. 1 and 2, col 2 lines 25-41, col 3 lines 33-49, the second access device 20 coupled to internet 14 includes a D/A converter 34 for converting voice signals into digital data and vice versa and which is transmitted via the modem transmitter 40 through the network 14.).

Regarding claims 44, 46-49 Mordowitz discloses a storage devices 32, 33 (Fig. 2) for storing digital data.

Regarding claim 45, Mordowitz discloses second voice device (24) (Fig. 1) as telephone with a telephone line from 20 to 24.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mordowitz et al (US006011794A) in view of Johnson et al (US005155760A).

Regarding claims 39 and 40, Mordowitz discloses a method for transmitting and receiving voice messages between caller/receivers 16 and 24 (Fig. 1), (see Fig. 1, col 3 lines 1-49, A caller 16 (in NY) is connected to another caller 24 (in London) for transmission and reception of voice messages via the internet 14), said method comprising:

-receiving a digital signal representing a converted voice signal from a network 14 (Fig. 1) by access devices 10, 20 as appropriate (see Fig. 1, the access devices 10, 20 receive a digital signal via the network 14, see col 3 lines 1-18.);

Mordowitz discloses a codec converter 34 (Fig. 2) in the respective ITAs 10 and 20, for converting of digital to analog and vice-versa of signals, however, Mordowitz fails to disclose an incoming digital signal converted into analog and stored within a respective analog type device, such as a tape device or the like.

Johnston discloses a voice messaging system 21 (VMS) (Fig. 4) with storage 480 and retrieval of messages and a D/A converter for analog messages as appropriate (Fig. 4, col 9 lines 11-49.). A speech detector 460 detects speech signals, notifies processor 420, which causes memory buffer 450 to send the saved enhanced incoming signals to a storage device 480. Storage device 480 may be another simple tape recording device, as is common in answering machines, plus a digital to analog converter, or may be a fully digital storage memory, as shown in FIG. 4. The ability of both analog and digital recording allows for enhanced interfaces and integration between different network devices.

Therefore it would have been obvious at the time the invention was made to incorporate the teachings of Johnston within Mordowitz so as have the ability of recording both analog and/or digital messages and therefore providing enhanced interfaces between different network devices.

Regarding claim 41, Mordowitz discloses the network as the Internet (see Fig. 1, ISP 11 connected to internet via line 14, see col 1 line 54 – col 2 line 3.).

Regarding claim 42, Mordowitz discloses said first voice device 16 is a telephone and said first communication medium is a telephone line (see Fig. 1, voice devices 16, 24 connected with telephone lines to access devices 10, 20 (see col 3 lines 1-18.).

Regarding claim 43, Mordowitz discloses transmitting a voice signal from a second voice device 24 (Fig. 1) at a caller location in a second service area (say London) through a second telecommunication medium (line connection between 24-20), receiving said voice signal in a second access device 20, converting said voice signal into digital signal 34 (Fig. 2) in said second access device 20, and transmitting said digital signal via 40 over network 14 to first access device 10, (see Figs. 1 and 2, col 3 lines 1-49, A second access device 20 in London receives a voice signal from voice device 24 via line connection 24-20. The access device 20 then converts the analog signal to digital via the codec 34 and processes it in 30 and transmits the converted signal via chip 40 through the internet 14 to first access device 10 located in NY.).

Regarding claim 50, Mordowitz discloses second voice device (24) (Fig. 1) as telephone with a telephone line from 20 to 24.

Regarding claims 51 and 52, Mordowitz discloses a storage devices 32, 33 (Fig. 2) for storing digital data.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj K. Jain whose telephone number is 571-272-3145.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RJ
January 10, 2007


CHI PHAM
SUPERVISORY PATENT EXAMINER

1/12/07